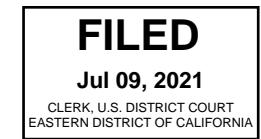


UNITED STATES DISTRICT COURT
SEALED for the
Eastern District of California



United States of America)
v.)
) Case No. 1:21-mj-00072 EPG
JOSE JESUS TORRES GARCIA)
)
)
)
)

Defendant(s)

CRIMINAL COMPLAINT BY TELEPHONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 8, 2021 in the county of Fresno in the
Eastern District of California, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 USC Section 924(c)(1)(A)(i)	Possession of a Firearm in Futherance of a Drug Trafficking Offense Maximum Penalties: 5 years to life in prison (consecutive to any other sentence), \$250,000, 3 years of supervised release, \$100 special assessment fee

This criminal complaint is based on these facts:

See affidavit of HSI Special Agent Bret Koch

Continued on the attached sheet.

Bret Koch
Complainant's signature

Bret Koch, HSI SA
Printed name and title

Sworn to before me by telephone consistent
with Fed. R. Crim. P. 4.1, 4(d), and 41(d)(3) on

Date: Jul 9, 2021

Erica P. Grosjean
Judge's signature

City and state: Fresno, CA

Hon. Erica P. Grosjean, U.S. Magistrate Judge
Printed name and title

1 IN THE UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 JOSE JESUS TORRES GARCIA,

7 Defendant.

8 CASE NO.

9 AFFIDAVIT OF HSI SPECIAL AGENT BRET
10 KOCH

11 I, Bret N. Koch, Special Agent, being sworn, depose and state the following:

12 1. I am an “investigative or law enforcement officer” within the meaning of Title 18, United
13 States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to
14 conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code,
15 Section 2516. I have also been cross designated by the Drug Enforcement Administration (“DEA”) and
16 am empowered to investigate and make arrests for offenses under Title 21 of the United States Code. I
17 have been involved with investigations for Title 21 offenses and am familiar with the Interagency
18 Cooperation Agreement between the U.S. Drug Enforcement Administration and the U.S. Immigration
19 and Customs Enforcement (“ICE”).

20 2. I am a Special Agent with the United States Department of Homeland Security (“DHS”)/
21 Immigration and Customs Enforcement/ Homeland Security Investigations (“HSI”), presently assigned
22 to the Office of the Resident Agent in Charge, Fresno, California (“HSI Fresno”). I am a “federal law
23 enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C). I entered
24 on duty in September 2018 as an HSI Special Agent (“SA”) assigned to the Office of the Resident Agent
25 in Charge, Alpine, Texas (“HSI Alpine”), and I entered on duty with HSI Fresno in August 2020. As
26 part of my daily duties as an HSI SA, I investigate narcotics offenses in violation of 21 USC § 841(a)(1).
27 I have received training in the area of federal narcotics offenses, and I am a graduate of the Federal Law
28 Enforcement Training Centers’ (“FLETC”) Criminal Investigator Training Program and the FLETC HSI
Special Agent Training Program. In addition to my training at FLETC, I received a Bachelor of Arts

1 degree in Philosophy from Northern Kentucky University and a Master of Arts degree in English from
2 Southern New Hampshire University.

3 3. Since becoming an HSI SA, I have worked cases in a variety of programmatic areas.
4 While assigned to HSI Alpine, I primarily conducted immigration and smuggling investigations. This
5 experience included investigating federal immigration offenses, human smuggling, narcotics smuggling,
6 and narcotics distribution offenses. In addition, during my time as an HSI SA, I have also conducted
7 and/or participated in federal investigations involving firearms offenses and child exploitation. I have
8 also participated in numerous state-level investigations and operations involving the same.

9 4. This affidavit is in support of a complaint charging Jose Jesus TORRES GARCIA with a
10 violation of Title 18, United States Code, Section 924(c)(1)(A)(i), possession of a firearm in furtherance
11 of a drug trafficking offense. The information set forth in this affidavit is not intended to detail each and
12 every fact and circumstance of the investigation or all the information known to me and other law
13 enforcement investigators. Rather, this affidavit serves only to establish probable cause for the arrest of
14 Jose Jesus TORRES GARCIA.

15 5. On July 8, 2021, HSI, DEA, and Fresno PD officers executed a federal search warrant at
16 4413 E Iowa Ave, Fresno, California, the residence of Jose Jesus TORRES GARCIA (1:21-sw-0231-
17 BAM). TORRES GARCIA was under active investigation for the distribution of fentanyl pills in the
18 Fresno, California area. Investigators first learned of TORRES GARCIA while investigating a private
19 Facebook Messenger group dedicated to narcotics trafficking in which the Facebook profile of TORRES
20 GARCIA (under vanity name “Compa Chuy”) was observed advertising the sale of narcotics, including
21 M/30 pills known to contain fentanyl, and a firearm.

22 6. During the search of the residence, agents identified mail addressed to TORRES
23 GARCIA, as well as other indicia of occupancy and ownership, in the main living room of the premises,
24 which also contained a bed.¹ TORRES GARCIA himself admitted during a post-Miranda interview that
25 this main living room constituted his sleeping quarters. During the same post-Miranda interview,
26

27

¹ In this same area, agents also found Bulldog gang indicia, such as a Bulldog blanket, two
28 baseball caps, and a sticker. TORRES GARCIA’s Facebook profile summary section, ends with the
words: “Bulldog Elite.” I know that the Bulldog criminal street gang is a Fresno-based street gang.

1 TORRES GARCIA stated, “everything that’s illegal should be in the living room under my bed,” and
2 admitted to being presently in possession of a rifle and various narcotics. TORRES GARCIA also
3 confirmed that he sells such narcotics and detailed to myself and DEA Task Force Officer (TFO)
4 Cardinale the prices for which he buys and sells those narcotics while also referring to himself as an
5 “entrepreneur.” In addition, TORRES GARCIA admitted to investigators that his Facebook profile is
6 that which appears under vanity name “Compa Chuy,” and that he has advertised narcotics for sale on
7 Facebook Messenger.

8 7. A search of TORRES GARCIA’s living space located a loaded, short-barrel AR-15 lying
9 on the floor directly next to TORRES GARCIA’s bed. The rifle’s barrel appeared to be about six inches
10 shorter than the legal limit. The illicit rifle also had attached a 30-round capacity magazine, which was
11 loaded to capacity. Beneath the rifle, also directly next to TORRES GARCIA’s bed, was a plate carrier
12 for body armor which was, incidentally, carrying Armored Republic AR500 body armor plates.

13 8. In the same room, agents located 8 baggies with “M/30” pills, which are commonly
14 counterfeit and contain fentanyl. Some of the baggies contained between 5-8 pills, other baggies
15 contained between 20-75 pills. The gross weight of the baggies and pills was 42 grams. Based on my
16 training and experience, there was a greater-than-user amount of these pills and they were packaged for
17 sales. Agents also found a baggie with suspected counterfeit Alprazolam pills (more commonly known
18 as Xanax) pills, with at least 50 pills and 3 pill bottles of Farmapram (more commonly known as Xanax).
19 Based on my training and experience, there was a greater-than-user amount of these pills. Within the
20 same room, agents also located packaging materials, such as several bags containing smaller baggies and
21 a digital scale. Based on my training and experience, I have seen such baggies on numerous occasions
22 and know them to serve as small, packaging materials for narcotics. I also know, based on my training
23 and experience, that drug dealers use digital scales to weigh narcotics in furtherance of drug trafficking.

24
25 9. In the same room, agents also found additional controlled substances including:
26 a) a couple grams of a white, powdery substance which, based on my training and
27 experience, appeared to be cocaine;
28 b) white, oval-shaped pills labeled “7.5” on one side;

- c) a baggie containing brown-colored crstyals in capsules;
- d) a clear bottle containing white residue;
- e) two bottles labeled Promethazine with Codeine Oral Solution"; and
- f) other substances, including unknown crushed pills/powder in baggies as well as additional brown, rocklike, crystalline substances.²

10. The controlled substances, the loaded AR-15 rifle, and body armor were all observed to be within roughly five feet of TORRES GARCIA'S bed. Based on my training and experience, I know that narcotics traffickers possess firearms to protect their narcotics stashes and/or proceeds. Based on the proximity of the loaded AR-15 to the narcotics, I believe that the firearm was strategically placed for this purpose.

CONCLUSION

9. The above facts set forth probable cause to believe that Jose Jesus TORRES GARCIA is in violation of Title 18, United States Code, Section 924(c)(1)(A)(i), possession of a firearm in furtherance of a drug trafficking offense. I request that an arrest warrant be issued for Jose Jesus TORRES GARCIA for this violation.

Bret Koch

Bret Koch
Special Agent, Homeland Security Investigations

Affidavit submitted to me by reliable electronic means and attested to me as true and accurate by telephone consistent with Fed. R. Crim. P. 4.1, 4(d), and 41(d)(3) this 9 day of July, 2021.

Hon. Erica P. Grosjean
United States Magistrate Judge

Reviewed as to form by

/s/ Justin Gilio
JUSTIN GILIO
Assistant U.S. Attorney

² These substances are in the process of being submitted for lab analysis.